IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

And
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17193 of 2004

Between:

1 The Government of Andhra Pradesh, rep by Prl. Secretary, Education

Department, Secretariat, Hyderabad.
2 The Commissioner and Director of Intermediate Education, A.P.,

Hyderabad.
3 The Regional Joint Director of Higher Education, Guntur.

..... PETITIONERS

AND

Sri. U. Chandra Sekhar Rao S/o Veera Swamy
Government Junior College, R/o H. No. 14-40-57, Mata Mandir,
Haripet, Tenali, Guntur District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction more particularly one in the nature of Writ of Certiorari calling for the records connected with order 18-12-2003 passed in O.A. No.2082 of 2000 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same as illegal and erroneous.

Counsel for the Petitioners: GP FOR SERVICES I

Counsel for the Respondent:

The Court at the admission stage made the following:

ORDER:(PER THE HON'BLE SRI JUSTICE GODA RAGHURAM)

Respondent filed O.A.No.2082 of 2000 before the
A.P. Administrative Tribunal (for short 'the Tribunal') assailing the proceedings, dated 04.02.2000, passed by the second petitioner herein whereby the release of the withheld amount of Rs.19,692/- from Death Cum Retirement Gratuity benefit of the respondent was rejected.

2. The Tribunal rejected the plea of the petitioners-respondents in the O.A. that the respondent herein had admitted the charge against him and consented for deduction of an amount of Rs.19,692/- permanently. The respondent had retired from service on superannuation on 28.02.1990 while holding the post of a Principal. By a telegraphic order dated 26.02.1990, he was intimated that a disciplinary action is to be initiated against
him and later he was retired on superannuation without prejudice
to the disciplinary action initiated against him. It appears that thereafter an enquiry was initiated and the enquiry officer in his report recommended recovery of an amount of Rs.39,384/- from the petitioner and another Sri S.V.Anjaneyulu, Junior Assistant of the college towards the financial loss caused to the institution and the Government and 50% of the responsibility was fixed on the respondent herein and accordingly recovery of Rs.19,692/- was determined as the liability of the respondent.

3. Before the Tribunal, no counter affidavit was filed by the respondents. On the basis of the records available with it, the Tribunal noticed and recorded the fact that the other officer
Sri S.V.Anjaneyulu, Senior Assistant who was removed from service, after a process of enquiry, was reinstated into service pursuant to the orders of the A.P. Administrative Tribunal. Punishment of stoppage of one increment was imposed and the said individual was also promoted subsequently and continued to be in service. The Tribunal also recorded that there was no proceeding, establishing and fixing the liability on the applicant and no enquiry was conducted affording the respondent herein an opportunity to participate in such

proceedings. In the circumstances, the Tribunal invalidated the proceedings of the second petitioner herein dated 04.02.2000 and declared that it is not open to the petitioners herein to withhold the pensionary benefits of the respondent and that the amount should be paid to him along with interest at the rate of 10% from the date due.

4. As there was no regular enquiry conducted against the respondent fixing his liability and as no enquiry was even initiated for over a decade since his retirement, we are satisfied that the conclusion of the Tribunal invalidating the second petitioners proceedings, dated 04.02.2000, suffers from no infirmity warranting interference in this writ petition.

5. Accordingly, the Writ Petition is dismissed at the stage of admission.

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J.CHELAMESWAR, J

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GODA RAGHURAM, J

Dated 25th October, 2004.

YCR/KNK

To

1. The Principal Secretary, Government of Andhra Pradesh, Secretary,

Education Department, Secretariat, Hyderabad.
2. The Commissioner and Director of Intermediate Education, A.P.,

Hyderabad.
3. The Regional Joint Director of Higher Education, Guntur.

4. 2 CCs to G.P. for Services I, High Court Buildings, Hyderabad.

2. 2 C.D copies.